

REMARKS UNDER 37 CFR § 1.111

Formal Matters

Claims 1-4, 9-14, 19-24, 27, 28 and 30-40 are pending after entry of the amendments set forth herein.

Claims 1-4, 9-14, 19-24, 27, 28 and 30-40 were examined. Claims 13, 14, 19 and 20 were rejected.

Claims 1-4, 9-12, 21-24, 27, 28 and 30-40 were allowed.

Claims 13, 14, 19 and 20 are amended for clarity. Support for these amendments is found in, for example, the claims as originally filed and/or as previously presented.

New claims 41-48 are added to present the subject matter of claims 19 and 20 in independent form as kindly suggested by the Examiner. Support for these new claims is found in, for example, claims 19 and 20 as previously presented.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

Rejections Withdrawn

Applicants note with gratitude the Examiner's indication that any objection or rejection not expressly repeated in the instant Office Action has been overcome by the prior response and withdrawn. Applicants again express gratitude for the Examiner's indication that claims 1-4, 9-14, 19-24, 28, and 30-40 are allowable.

Objections

Claims 19-20 were objected to as being in improper dependent form on the grounds that these claims do not further limit the subject matter of a previous claim.

As kindly suggested by the Examiner, claims 19 and 20 have been rewritten in independent form to incorporate the limitations of claim 21. New claims 41-44 are directed to the subject matter of previously pending claim 19 rewritten in independent form to incorporate the limitations of claims 22, 23, 24, and 28, respectively. New claims 45-48 are directed to the subject matter of previously pending claim 20 rewritten in independent form to incorporate the limitations of claims 22, 23, 24, and 28,

respectively.

Withdrawal of this rejection is respectfully requested.

Rejection under §112, ¶¶1 and 2

Claims 13 and 14 were rejected as not being enabled and as being vague and indefinite on the grounds that there is no antecedent basis in the claims for “a VDR or VDR isoform polypeptide”. The Office indicated these claims are assertedly not enabled because they do not require an isolated polynucleotide encoding the VDR or VDR isoform polypeptide that is produced by the claimed method. The Office Action states that “Neither claim 1 nor any of the intervening claims from which claims 13 and 14 depend are limited to an isolated polynucleotide encoding a ‘VDR or VDR isoform polypeptide’”.

Applicants note for clarity on the record that claims 1 and the other intervening claims from which claims 13 and 14 depend are, as the Examiner indicates, not limited to a VDR or VDR isoform polypeptide. However, these claims encompass such a VDR or VDR isoform polypeptide comprising exon 1d.

Claims 13 and 14 are amended to reflect the scope of the claims from which they depend, and now recite production of a polypeptide comprising exon 1d of a human VDR, as recited in claim 1.

Withdrawal of this rejection is respectfully requested.

Rejection under §112, ¶2

Claims 19 and 20 were rejected as being indefinite on the grounds that there is no antecedent basis of “the nucleotide sequence of any one of claims 21-24 or 28” which are each drawn to “an isolated polynucleotide molecule.”

This rejection is rendered moot in view of the amendments to claims 19 and 20. Withdrawal of this rejection is respectfully requested.

Conclusion

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number RICE-014.

Respectfully submitted,
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